

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ANTHONY BIRDINE,

Defendant.

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CASE NO. 8:06CR202

**MEMORANDUM
AND ORDER**

This matter is before the Court on the Report and Recommendation (Filing No. 30) issued by Magistrate Judge Thomas D. Thalken recommending denial of the Defendant's motion to suppress (Filing No. 18). No objections have been filed to the Report and Recommendation as allowed by 28 U.S.C. § 636(b)(1)(C) and NECrimR 57.3(a).

The Defendant seeks an order suppressing evidence found and statements made as a result of the March 2, 2006, execution of a search warrant and the Defendant's arrest. Judge Thalken determined: the Defendant has standing to object to the search of the residence in question; probable cause supported issuance of the search warrant; even assuming that probable cause was lacking, the *Leon* good faith exception would allow the admissibility of the seized evidence; and the Defendant's statements were not the product of interrogation and were voluntary.

Notwithstanding the absence of objections, pursuant to 28 U.S.C. § 636(b)(1)(C) and NECrimR 57.3, the Court has conducted a de novo review of the record. The Court has read the parties' briefs (Filing Nos. 22, 25) and the transcript (Filing No. 31). The Court has also viewed the evidence. (Filing No. 28) Because Judge Thalken fully, carefully, and

correctly applied the law to the facts, the Court adopts the Report and Recommendation in its entirety.

IT IS ORDERED:

1. The Magistrate Judge's Report and Recommendation (Filing No. 30) is adopted in its entirety; and
2. The Defendant's motion to suppress (Filing No. 18) is denied.

DATED this 6th day of September, 2006.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge